

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

IN RE TERRORIST ATTACKS ON SEPTEMBER 11, 2001

)
)
) 03 MDL No. 1570 (RCC)
ECF Case

This document relates to:

C.A. No. 03-CV-9849 (RCC)

THOMAS E. BURNETT, SR., *et al.* v. AL BARAKA INVESTMENT & DEVELOPMENT CORP., *et al.*

**DECLARATION OF ALAN R. KABAT
IN SUPPORT OF DEFENDANT SHAHIR A. BATTERJEE'S
MOTION TO DISMISS THE THIRD AMENDED COMPLAINT**

I am an attorney licensed to practice in the District of Columbia and am admitted *pro hac vice* in this matter. I am with the law firm of Bernabei & Katz PLLC, counsel to Shahir A. Batterjee. I submit this declaration to transmit to the Court the following documents submitted in support of Mr. Batterjee's motion to dismiss (April 8, 2004) and his reply brief in support of his motion to dismiss (July 23, 2004):

1. Exhibit 1 to Mr. Batterjee's motion to dismiss is a copy of the Declaration of Shahir A. Batterjee (April 7, 2004).

2. Exhibit 2 to Mr. Batterjee's motion to dismiss is a copy of P. Mendenhall, "Seeking bin Laden in the Classifieds," MSNBC, online at <http://www.msnbc.msn.com/id/3340393> (Oct. 24, 2003).

3. Exhibit 1 to Mr. Batterjee's reply brief is a copy of the Annual Report of the Benevolence International Foundation for 1994, as filed with the Secretary of State of Illinois (Feb. 2, 1994).

I declare under the penalties of perjury that the foregoing is true and correct to the best of

my knowledge and belief. Executed on July 23, 2004.

/s/ Alan R. Kabat

ALAN R. KABAT